

REMARKS

Responsive to the Office Action mailed on December 18, 2006 in the above-referenced application, Applicant respectfully requests amendment of the above-identified application in the manner identified above and that the patent be granted in view of the arguments presented. No new matter has been added by this amendment.

Present Status of Application

Claims 1-27 are pending in the application. The abstract and claim 16 are objected to for informalities. Claims 1, 2, 10, 11, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Warwick et al (US 6,598,169, hereinafter "Warwick"). Claims 3-9, 12-18 and 21-27 are rejected under 35 U.S.C. 103(a) as being obvious over Warwick in view of the publication of Gao et al (hereinafter "Gao").

In this paper, claim 16 is amended according to the suggestion of the Examiner. The objection to claim 16 is thereby believed to be overcome. The Abstract and claims 1, 10 and 19 are amended as set forth in further detail below. Support the amendments can be found, for example, on page 6, line 28 to page 7, line 28 of the specification.

Reconsideration of this application is respectfully requested in light of the amendments and the remarks contained below.

Objections to the Abstract

The abstract is objected to because it purportedly "merely repeats the title and does not adequately describe the disclosure." See page 2 of the office action. Applicant submits that the Abstract as amended fulfills the requirements set forth in MPEP 608.01(b) in both form and content. In particular, Applicant submits that the disclosure is sufficiently described by the abstract to assist readers in deciding whether there is a need for consulting the full patent text for details. Withdrawal of the rejection is respectfully requested.

Rejections Under 35 U.S.C. 102(e)

Claims 1, 2, 10, 11, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Warwick. To the extent that the grounds of the rejections may be applied to the claims now pending in this application, they are respectfully traversed.

To anticipate a claim, a reference must teach every element of the claim. In this regard, the Federal Circuit has held:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

"The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 1 recites a system for performing kernel-mode operations comprising a kernel-mode interface generator for dynamically generating a kernel-mode interface driver, which in turn generates a call gate to perform a kernel-mode operation with kernel-mode authorization in a kernel mode; and an authorization interface, coupled to the kernel-mode interface generator, to connect a user mode to kernel mode, switching a process from user mode to kernel mode via the call gate to perform the kernel-mode operation.

Similarly, claim 10 recites a method for performing kernel-mode operations comprising steps of providing a kernel-mode interface generator, dynamically generating a kernel-mode interface driver using the kernel-mode interface generator, generating a call gate performing a kernel-mode operation with kernel-mode authorization in a kernel mode using the kernel-mode interface driver, providing an authorization interface to connect a user mode to the kernel mode; and switching a process from the user mode to the kernel mode via the call gate through the authorization interface to perform the kernel-mode operation with kernel-mode authorization.

Finally, claim 19 recites a storage medium for storing a computer program providing a method for performing kernel-mode operations, comprising using a computer to perform the steps of providing a kernel-mode interface generator, dynamically generating a kernel-mode interface driver using the kernel-mode interface generator, generating a call gate performing a kernel-mode operation with kernel-mode authorization in a kernel mode using the kernel-mode interface driver, providing an authorization interface to connect a user mode to the kernel mode, and switching a process from the user mode to the kernel mode via the call gate through the authorization interface to perform the kernel-mode operation with kernel-mode authorization.

Warwick, on the other hand, describes a conventional method of exposing user mode applications to the features and information enabled by a ACPI specification. Specifically, Warwick discloses a generic mapping driver that executes in kernel mode, and that makes calls to the ACPI driver accessible by user mode applications. More specifically, a ACPI mapping driver is provided as a kernel mode component of the management instrumentation system and interfaces with the ACPI driver of the ACPI system. User mode applications interested in the features of a registered ACPI device may issue to the management instrumentation system queries, sets, or methods to pass data back and forth between the user mode application and the ACPI device. See, for example, column 2, lines 7-48 of Warwick.

In the rejections, the Examiner refers to Fig. 2, and col. 5, lines 31-34, 41-47, 49 and 51 of the Warwick to teach the kernel-mode interface generator for generating a kernel-mode interface driver, which in turn generates a call gate to perform a kernel-mode operation with kernel-mode authorization in a kernel mode. Col. 5, lines 31-53 of Warwick read as follows:

The management information stored in the WMI store 209 comes from multiple WMI providers, such as components 211, 212, and 213. The WMI Providers act as intermediaries between the WMI agent 207 and one or more managed objects. When the WMI agent 207 receives a request from a management application 201 for information that is not available from the WMI store 209, or for notification of events that

it doesn't support, it forwards the request to the appropriate WMI provider. The WMI provider then supplies the information or event notification requested.

One such WMI provider is the WMI Extensions to Windows Driver Model ("XWDM") provider ("WDM provider UM") 215. The WDM Provider UM 215 communicates with the WDM Provider kernel mode software ("WDM Provider KM") 217. Those two software components, the WDM Provider UM 215 and the WDM Provider KM 217, allow instrumented devices to make management information available to the management system by providing a pipeline between the user mode 203 and the kernel mode 219.

In kernel mode 219, several drivers 221, 222, 223 support their associated devices and pass information to the management system 200 via the WDM Provider KM 217.

It is unclear precisely which components described above the Examiner considers to be the kernel-mode interface generator, the kernel-mode interface driver generated by the kernel-mode interface generator, or the call gate generated by the kernel-mode interface driver of claim 1. However, it is evident that none of the described WMI store 209, components 211, 212, and 213, management application 201, WDM Provider UM 215, WDM Provider KM 217, or drivers 221, 222, 223 comprise a kernel-mode interface generator for dynamically generating a kernel-mode interface driver, a kernel-mode interface driver generated by the kernel-mode interface generator, or a call gate generated by the kernel-mode interface driver.

To the contrary, the software components WDM Provider UM 215 and WDM Provider KM 217 merely provide a conventional pipeline between the user mode 203 and the kernel mode 219, allowing instrumented devices to make management information available to the management system. For example, drivers 221, 222, 223 may pass information to the management system 200 via the WDM Provider KM 217. There is no dynamic generation of a kernel-mode interface driver by WDM Provider UM 215 and/or WDM Provider KM 217.

For similar reasons, Applicant submits that Warwick fails to teach or suggest the method and computer program recited in claims 10 and 19 as amended.

For at least the reasons described above, it is Applicant's belief that the cited reference fails to teach or suggest all the limitations of claims 1, 10 and 19. Applicant therefore respectfully requests that the rejections of claims 1, 10 and 19 be withdrawn and the claim passed to issue. Insofar as claims 2-9, 11-18 and 20-27 depend from one of claims 1, 10, or 19 either directly or indirectly, and therefore incorporate all of the limitations of one of claims 1, 10, or 19, it is Applicant's belief that these claims are also in condition for allowance.

Rejections Under 35 U.S.C. 103(a)

Claims 3-9, 12-18 and 21-27 are rejected under 35 U.S.C. 103(a) as being obvious over Warwick in view of the publication of Gao. As noted above, it is Applicant's belief that claims 3-9, 12-18 and 21-27 are allowable by virtue of their dependency from one of claim 1, 10 or 19. For this reason, the Examiner's arguments in connection with these claims are considered moot and will not be addressed here.

Conclusion

The Applicant believes that the application is now in condition for allowance and respectfully requests so. The Commissioner is authorized to charge any additional fees that may be required or credit overpayment to Deposit Account No. **502447**. In particular, if this response is not timely filed, then the commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 C.F.R. § 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to Deposit Account No. **502447**.

Respectfully submitted,

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